

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 621

Introduced by Assembly Member Nakanishi

February 19, 2003

An act to ~~add Section 901 to the Business and Professions Code, and to add Section 1714.12 to the Civil Code, relating to health services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 621, as amended, Nakanishi. ~~Retired health care professionals: special licensure~~ *Physicians and surgeons: immunity from liability.*

~~Existing law makes no provision for the licensure of certain retired health care professionals~~ *The Medical Practice Act provides for the licensing and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to waive the license renewal fee for a physician and surgeon if the sole purpose of license renewal is to provide voluntary, unpaid services to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.*

~~This bill would authorize various regulatory boards and entities with jurisdictional authority to issue a special license to qualifying retired physicians and surgeons, dentists, podiatrists, registered nurses, chiropractors, and acupuncturists to authorize the practice of their profession only in the employ of public agencies or institutions or not-for-profit agencies, institutions, corporations, or associations that provide health services only to indigent patients in medically under-served or critical-need population areas of this state. The bill~~

~~would also exempt those health care providers~~ *exempt physicians and surgeons receiving a fee waiver under these provisions* from liability for professional negligence or malpractice or any other civil damages for any act or omission resulting from the rendering of those services, with certain exceptions.

~~In extending the applicability of various healing arts criminal penalty provisions to a new class of licensees, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 901 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 901. (a) ~~Notwithstanding any other provision of law, the~~
4 ~~regulatory board or entity with appropriate jurisdictional authority~~
5 ~~shall issue a special license to any qualifying physician and~~
6 ~~surgeon, dentist, podiatrist, registered nurse, chiropractor, and~~
7 ~~acupuncturist under the terms and conditions set forth in this~~
8 ~~section. The special license shall be issued to any of those healing~~
9 ~~arts practitioners who meets both of the following requirements:~~

10 (1) ~~Is retired from the practice of the profession for which he~~
11 ~~or she was or is currently licensed.~~

12 (2) ~~Has maintained full licensure in good standing in any~~
13 ~~jurisdiction in the United States for at least 10 years or has at least~~
14 ~~10 years of service for which he or she is or was licensed in good~~
15 ~~standing in one or more of the branches of the United States armed~~
16 ~~services.~~

17 (b) ~~The special license shall authorize the licensee to practice~~
18 ~~only in the employ of public agencies or institutions or~~
19 ~~not-for-profit agencies, institutions, corporations, or associations~~
20 ~~that provide health services only to indigent patients in medically~~
21 ~~underserved or critical need population areas of the state.~~

~~(c) Any person applying for the special license authorized under this section shall submit to the regulatory board or entity with appropriate jurisdictional authority a copy of his or her professional degree, evidence of previous licensure in the regulating jurisdiction, or evidence of licensure or the equivalent from the United States government while in military service, and a notarized statement from the employing agency, institution, corporation, or association, on a form prescribed by the regulatory board or entity with appropriate jurisdictional authority in which the applicant agrees unequivocally not to receive monetary compensation for any health services he or she may render while in possession of the special license.~~

~~(d) The standard examination, any application fees, and all licensure and renewal fees shall not apply to any holder of the special license under this section.~~

~~(e) In accordance with Section 1714.12 of the Civil Code, any person issued a special license under the terms and conditions of this section shall not be subject to any suit, action, or proceeding for medical or professional malpractice while in the performance of duties or activities directly related to his or her practice as a special licensee under this section.~~

~~(f) A special license shall be valid for a period of three years and may be renewed upon application by the holder thereof.~~

~~(g) Nothing contained in this section shall be construed to authorize a holder of a special license to perform surgery or any surgical procedure.~~

~~(h) The regulatory board or entity with appropriate jurisdictional authority shall adopt administrative regulations for the enforcement and administration of this section.~~

SEC. 2.—Section 1714.12 is added to the Civil Code, to read:

1714.12. (a) No health care provider eligible for ~~licensure~~ *license renewal* pursuant to Section ~~901~~ 2442 of the Business and Professions Code shall be liable for professional negligence or malpractice or any other civil damages for any act or omission resulting from the rendering of medical services voluntarily and without compensation to any person at any free or low-cost medical clinic located in this state ~~that does not accept insurance payments and either provides medical services free of charge to persons unable to pay or provides medical services for a nominal~~

1 fee, unless the act or omission of that health care provider was the
2 result of gross negligence or willful misconduct.

3 (b) Every person to whom those medical services are provided
4 shall be fully informed prior to any treatment being performed by
5 the person providing the services or by the staff of the medical
6 clinic of the immunity from civil suit provisions of this section and
7 shall acknowledge that fact in writing on a form approved or
8 designated by the regulatory board or entity with appropriate
9 jurisdictional authority.

10 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
11 ~~Section 6 of Article XIII B of the California Constitution because~~
12 ~~the only costs that may be incurred by a local agency or school~~
13 ~~district will be incurred because this act creates a new crime or~~
14 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
15 ~~for a crime or infraction, within the meaning of Section 17556 of~~
16 ~~the Government Code, or changes the definition of a crime within~~
17 ~~the meaning of Section 6 of Article XIII B of the California~~
18 ~~Constitution.~~

